

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

RITCHIE SMITH,

Plaintiff,

v.

**3:12-CV-1665
(FJS/ATB)**

**CAROLYN W. COLVIN,
Acting Commissioner of Social Security,**

Defendant.

APPEARANCES

OF COUNSEL

LACHMAN & GORTON

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SOCIAL SECURITY ADMINISTRATION

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VERNON NORWOOD, ESQ.

SCULLIN, Senior Judge

ORDER

Currently before the Court is Magistrate Judge Baxter's December 20, 2013 Report-Recommendation, in which he recommended that this Court reverse the Commissioner's decision and remand the case pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings. *See* Dkt. No. 18 at 34. The parties did not file any objections to these recommendations.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v.*

Mahunik, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, “the Court may ‘accept, reject, or modify in whole or in part, the . . . recommendations made by the magistrate judge.’” *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Baxter's December 20, 2013 Report-Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

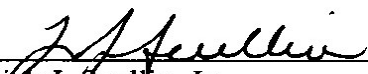
ORDERS that Magistrate Judge Baxter's December 20, 2013 Report-Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

ORDERS that this case is remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with Magistrate Judge Baxter's Report-Recommendation; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Plaintiff and close this case.

IT IS SO ORDERED.

Dated: January 9, 2014
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge